

HOUSE No. 750

By Mr. O’Flaherty of Chelsea (by request), petition of Vincent Zarrilli relative to authorizing the Appeals Court to reinstate a certain unheard case of Vincent F. Zarrilli. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT AUTHORIZING THE APPEALS COURT TO REINSTATE THE UNHEARD CASE OF VINCENT F. ZARRILLI VS. CAPITOL BANK AND TRUST COMPANY ET AL., MIDDLESEX 765294

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. That judgment of dismissal of July 22, 1980 in the
2 case of Vincent F. Zarrilli vs. Capitol Bank and Trust Company et
3 al shall be set aside on motion of the appellant, so as to rectify an
4 apparent injustice, satisfy a moral obligation, and serve the public
5 good in that the Commonwealth, due to a procedural and technical
6 defect, dismissed a brief and appendix of approximately one thou-
7 sand pages without a hearing on the merits for lack of timeliness
8 — it appearing that said brief was five days late. Said brief
9 involved a well-pleaded allegation that certain commercial prop-
10 erty located at 621 Boston Post Road, Sudbury, Massachusetts
11 was improperly foreclosed by appellees in violation of
12 Chapter 244, Section 14. It being a matter of record that the
13 approximate total number of mortgage foreclosure cases entered
14 in the land court alone, apart from superior and probate court pro-
15 ceedings in the last five years, exceeds forty-five thousand, that
16 current decisional law on this subject as will follow from the pas-
17 sage of this bill serves the best interests of all citizens of the Com-
18 monwealth.

1 SECTION 2. This act shall take effect upon its passage.